

Exhibit G

[1]
[2] UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
[3] _____ X
[4] VIOLA PLUMMER,
[5] Plaintiff, 07 CV 6154
[6] -against-
[7] CHRISTINE QUINN, Speaker of the City Council,
[8] Defendant.
[9] _____ X
[10] August 9, 2007
11:35 a.m.
[11]
[12]
[13]
[14] Deposition of BETSY GOTBAUM, taken
[15] by Plaintiff, at the offices of The New York
[16] City Law Department, Office of the Corporation
[17] Counsel, 100 Church Street, New York, New York
[18] 10007-2601, before Ira J. Goldberg, a Certified
[19] Shorthand Reporter and Notary Public within and
[20] for the State of New York.
[21]
[22]
[23]
GREENHOUSE REPORTING, INC.
[24] 363 Seventh Avenue - 20th Floor
New York, New York 10001
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[1]
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[3]
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Brooklyn, New York 11216
[6]
[7]
[8] NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL
[9] Attorneys for Defendant and the Witness
100 Church Street
[10] New York, New York 10007-2601
BY: PAUL MARKS, ESQ.
[11] Deputy Chief, Labor & Employment Division
-and-
[12] BY: ERIC EICHENHOLTZ, ESQ.
[13]
[14] ALSO PRESENT:
[15] Viola Plummer (Appeared late)
[16] Alvin L. Bragg, Jr., Esq.
Chief of Litigation & Investigations
[17] New York City Council
Office of the General Counsel
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[20] Brian J. Kaszuba, Esq.
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New York, New York 10007
[23]
[24]
[25]

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[1]
[2] STIPULATIONS
[3]
[4] IT IS HEREBY STIPULATED AND AGREED,
[5] by and between the attorneys for the
[6] respective parties hereto, that all
[7] objections, except as to form, shall be
[8] reserved to the time of trial.
[9] IT IS FURTHER STIPULATED AND AGREED
[10] that the sealing and filing of the within
[11] deposition are hereby waived.
[12] IT IS FURTHER STIPULATED AND AGREED
[13] that the within deposition may be
[14] subscribed and sworn to by the witness
[15] being examined before a Notary Public
[16] other than the Notary Public before whom
[17] this deposition was begun.
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

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B. Gotbaum

[1] [2] BETSY GOTBAUM, stating a business address of
 [3] 1 Centre Street, New York, New York 10007,
 [4] having been duly sworn by the Notary
 [5] Public, was examined and testified as
 [6] follows:

**EXAMINATION
BY MR. WAREHAM:**

[7] [9] Q: Good morning. How would you prefer
 [10] to be addressed, Miss, Ms. or Mrs.?

[11] A: Betsy.

[12] Q: Okay, a little informal.

[13] My name is Roger Wareham. I
 [14] represent the plaintiff Viola Plummer in this
 [15] action.

[16] There are certain rules that attend
 [17] depositions. Have you ever been deposed before?

[18] A: Yes.

[19] Q: As you have already been sworn in,
 [20] your testimony is under oath.

[21] It is important that your answers be
 [22] verbal, as opposed to visual.

[23] A: Yes.

[24] Q: And if I ask a question, if you are
 [25] not clear about it in terms of understanding

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B. Gotbaum

[1] [2] Q: And in general what are the duties
 [3] of the Public Advocate?
 [4] A: Well, one of the duties is to
 [5] preside over the City Council. The others are
 [6] to be the city's ombudsman, or woman, and to
 [7] have oversight over the programs of the city, as
 [8] opposed to the fiscal policies.

[9] Q: Is this an elected position?

[10] A: Yes, it is, citywide elected
 [11] position.

[12] Q: And if you know, where does the
 [13] authority for the Public Advocate come from?

[14] A: From the charter. It comes from the
 [15] charter, I guess established, or re-established
 [16] in 1989. The office was created in 1989.

[17] Q: That's the New York City Charter?

[18] A: Yes, New York City Charter.

[19] MR. WAREHAM: Can we mark this.

[20] This would be Plaintiff's 1.

[21] (Plaintiff's Exhibit 1, copy of
 [22] excerpt of New York City Charter, marked
 [23] for identification.)

[24] Q: I am showing you a copy of an
 [25] excerpt from the Charter marked Plaintiff's

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B. Gotbaum

[1] [2] either form or content, just say that. Or if I
 [3] ask a question you don't know the answer to, you
 [4] can just say, "I don't know."

[5] I don't anticipate this is going to
 [6] be very long, but if you need a break or if the
 [7] reporter needs a break, anyone needs a break, we
 [8] can do that.

[9] After this you will get a chance to
 [10] review the transcript.

[11] And I guess I need to ask you, Have
 [12] you taken any medications today?

[13] A: No.

[14] Q: Yesterday?

[15] A: Well, I mean just what I take
 [16] normally.

[17] Q: Do they have any effect in terms of
 [18] your ability to participate clearly?

[19] A: No.

[20] Q: What is your position in New York
 [21] City Government?

[22] A: New York City's Public Advocate.

[23] Q: How long have you been the Public
 [24] Advocate?

[25] A: Since 2002, I was sworn in.

B. Gotbaum

[1] [2] Exhibit 1, marked New York City Charter, which
 [3] includes Chapter 2 of the Charter that addresses
 [4] the question of the issue of the City Council.

[5] Does that look familiar to you?

[6] A: Yes. I mean, I haven't read it in a
 [7] long time. I have looked at it, but I haven't
 [8] read it in a long time. It looks familiar,
 [9] though.

[10] Q: That's the legislative document that
 [11] the Charter derives its authority from.

[12] A: I see.

[13] Q: Under the Charter, does the Charter
 [14] give particular responsibilities to the Public
 [15] Advocate vis-a-vis the City Council?

[16] A: Let me just finish looking at it.
 [17] (Pause in the proceedings.)

[18] MR. WAREHAM: Off the record.

[19] (Discussion held off the record.)

[20] A: I mean as much as —

[21] Q: Sure. Let me just go back one
 [22] second.

[23] A: Sure.

[24] Q: In terms of background, you said you
 [25] have been Public Advocate since 2002.

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[1] **B. Gotbaum**
[2] A: Yes.
[3] Q: What positions did you occupy before
[4] that?
[5] A: Before that I was president of the
[6] New York Historical Society for seven and a half
[7] years. Prior to that I was Parks Commissioner
[8] for New York City. Prior to that I was in a
[9] venture capital firm. Prior to that I ran New
[10] York City Police Foundation. Prior to that —
[11] Do you want me to go back further?
[12] Q: No. Your educational background?
[13] A: I have a master's in history — in
[14] education, I am sorry. And I have a bachelor's
[15] in history.
[16] Q: Can you just for the record indicate
[17] what are the responsibilities of the Public
[18] Advocate from the Charter vis-a-vis the City
[19] Council.
[20] A: Well, the responsibilities are that
[21] I have to provide a report in, I think towards
[22] the end of October of every year, about the
[23] various activities of the office, in particular
[24] the office of the ombudsman; the reports over
[25] various, I think over various agencies or

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[1] **B. Gotbaum**
[2] policies of agencies. In this report, also a
[3] report on the legislation that I have
[4] introduced, because I can introduce legislation
[5] in the City Council.
[6] And I can sit on any of the City
[7] Council meetings, I can attend any committee
[8] meetings. I do not have a vote in the Council,
[9] but I have all those other privileges.
[10] And if I have left anything out you
[11] can remind me.
[12] Q: What responsibility, if any, do you
[13] have at the stated meetings of the Council?
[14] A: I preside over the Council. And
[15] that changed. That actually I think was in the
[16] Charter originally and that was changed by an
[17] amendment to the Charter in 2002. There was a
[18] Charter Revision Commission that removed Public
[19] Advocate from presiding over the local
[20] legislature, and that provision — but there was
[21] some question, again I am not clear on the
[22] legalities on the law of all this, but there was
[23] some question as to even though in the Charter
[24] the Public Advocate was removed from that
[25] particular function, there were some questions

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[1] **B. Gotbaum**
[2] as to whether that was exactly right. I am not
[3] sure, there was some state law that could have
[4] been brought in, I don't — it was very, very
[5] confusing.
[6] At any rate, at that point in 2002,
[7] the Speaker then appointed me to continue
[8] presiding over the Council, and that has
[9] continued ever since.
[10] Q: That has continued?
[11] A: Yes. And there is this question
[12] which frankly we have not really pursued looking
[13] at, that there is some state, some state statute
[14] or state law that —
[15] Q: And you said you can attend all
[16] legislative meetings?
[17] A: I can attend all Council committee
[18] meetings, yes. And I can introduce legislation.
[19] Q: And introduce legislation, all
[20] right.
[21] Are you familiar with the Rules of
[22] the Council, the City Council Rules?
[23] A: Yeah, most of them. I mean, some of
[24] them. I am certainly familiar with the rules
[25] when they are in session, the stated meetings.

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[1] **B. Gotbaum**
[2] I wouldn't know the rules, you know, details of
[3] every rule of the Council.
[4] MR. WAREHAM: I would like to mark
[5] this as Plaintiff's 2.
[6] (Plaintiff's Exhibit 2, document
[7] entitled "Rules of the Council," marked
[8] for identification.)
[9] (Pause in the proceedings.)
[10] MR. MARKS: Off the record.
[11] (Discussion held off the record.)
[12] MR. WAREHAM: Back on the record.
[13] Q: To your understanding, under the
[14] Rules, in the event of any sort of disruption,
[15] who has the authority to restore order?
[16] MR. MARKS: You are talking about at
[17] a Council's meeting, at a stated meeting,
[18] just generally?
[19] A: Starting with the sergeant at arms
[20] being called upon by either the person who is
[21] presiding, which in that case would be me, or
[22] the Speaker, as far as I know, but it is the
[23] sergeant at arms who actually carries out.
[24] Q: Can a sergeant at arms act
[25] independently, or he gets direction?

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B. Gotbaum

[1] [2] A: No, gets direction, and gets
[3] direction from either me or the Speaker.
[4] Q: When you are the presiding officer
[5] can the Speaker also give directions to the
[6] sergeant at arms?

[7] A: Yes.

[8] Q: And to your knowledge, what steps
[9] can the presiding officer take if there is some
[10] disruption at a stated meeting?

[11] A: The gavel and "Quiet."

[12] Q: Anything else?

[13] A: And ultimately to say, "I will have
[14] to have you removed if the disturbance still
[15] continues."

[16] Q: Does the presiding officer have the
[17] authority, in a situation where the disruptive
[18] person is a staff member, does the presiding
[19] officer have the authority to discipline that
[20] staff member?

[21] A: I assume so, but I wouldn't know. I
[22] assume so.

[23] Q: To you your understanding, is the
[24] City Council a legislative body, or city agency?

[25] A: Legislative body.

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B. Gotbaum

[1] [2] that.
[3] And we also have had meetings that
[4] weren't scheduled, but they were scheduled for a
[5] reason. Like this last week we had one for one
[6] morning because I think there was some land use
[7] issues that had to be dealt with. So I don't
[8] remember how many of those we have had.

[9] Q: Sure, all right. Let me bring your
[10] attention to the stated Council meeting of
[11] May 30th, 2007.

[12] A: Thank you.

[13] Q: Do you remember what the agenda was
[14] for that meeting?

[15] A: Yes.

[16] Q: Just give me —

[17] A: Well, the full agenda, I mean I
[18] remember, I remember there was one particular
[19] item at the agenda which I do remember, which
[20] was the naming of streets. There was a block of
[21] them like that.

[22] Q: Prior to any stated meeting what
[23] preparation is involved on your part?

[24] A: Not, not very much. I mean,
[25] sometimes one of the staff members will come and

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B. Gotbaum

[1] [2] Q: In preparation for this deposition
[3] today did you review any documents?
[4] A: Just the transcript of the Council
[5] meeting.

[6] Q: Of May 30th?

[7] A: Yes, if that was the date. I am
[8] sorry.

[9] Q: Well —

[10] A: I think, yes. I don't remember the
[11] exact date. We have had several meetings
[12] since.

[13] Q: Have you presided over all of the
[14] stated Council meetings since 2002?

[15] A: Yes, with a few, maybe two absences,
[16] three absences, because of vacation. Or
[17] actually have been only four absences, maybe
[18] more.

[19] Yes, the answer is yes, I am sorry.

[20] Q: And on an annual basis there are
[21] approximately how many stated Council meetings?

[22] A: Well, there are two a month, except
[23] in July and August. And I honestly don't
[24] remember which years we have had one or two in
[25] July or August, so I can't accurately answer

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B. Gotbaum

[1] [2] say there is a particular thing happening that
[3] we need to deal with, or sometimes occasionally
[4] the Speaker will ask me to come in and we will
[5] discuss something that might be happening.

[6] Q: Prior to the May 30th meeting did
[7] that happen?

[8] A: Yes.

[9] Q: And what was brought to your
[10] attention?

[11] A: Just brought to my attention there
[12] might be some disruptions and that I should be
[13] prepared to use the gavel and to call for order,
[14] to call for order. And on other occasions the
[15] Speaker has done that.

[16] Q: This isn't the first time that this
[17] has been brought to your attention?

[18] A: No, no.

[19] Q: Do you remember who brought that to
[20] your attention, that there might be disruptions?

[21] A: I don't remember if the Speaker or
[22] chief of staff or some other staff people in
[23] there, or staff person, a position I don't know
[24] the formal name of, and he usually tells me the
[25] procedure. He is the procedural guy of the

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[1] **B. Gotbaum**
[2] Council.
[3] Q: And you don't remember who?
[4] A: No, I don't.
[5] Q: He is from the Speaker's office?
[6] A: Yes.
[7] Q: And what was told to you what the
[8] nature of the disruption might be?
[9] A: Well, that there, that there, there
[10] had been word that there would be disruptions of
[11] people who were upset about the particular
[12] street naming that was being discussed at that
[13] time and that there might be some disruptions
[14] and I should be prepared for them, that's all.
[15] And by the way, the week before,
[16] there had been, over a completely different
[17] item, there was some similar disruption and it
[18] was kind of brought to my attention that I
[19] should be more aggressive than I had been the
[20] week before, if necessary.
[21] Q: On a different item?
[22] A: A totally different. The
[23] circumstances were completely different. It was
[24] just, I think, kind of just letting me know what
[25] had been going on.

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[1] **B. Gotbaum**
[2] I had a knee operation, by the way,
[3] so the week before I had been a little bit
[4] groggy, I should say, and I was on medication
[5] the week before.
[6] Q: You mean it was the week before, or
[7] the prior stated meeting?
[8] A: The prior stated meeting, excuse me.
[9] Q: What was the nature of the
[10] disruptions in that meeting, if you remember?
[11] A: I think it was about the pedicabs,
[12] and there was another issue but I don't remember
[13] what it was. But it was definitely about the
[14] pedicabs.
[15] Q: And the disruption was from the
[16] gallery, from the floor?
[17] A: Only from the gallery — I mean from
[18] the balcony. I call the floor the gallery, and
[19] then the balcony, so we should be clear.
[20] Q: Not a problem. And during that
[21] meeting there had been disruptions. Did the
[22] work of the meeting get completed?
[23] A: Oh, yes.
[24] Q: So going into the meeting on
[25] May 30th you had been told there might be

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[1] **B. Gotbaum**
[2] disruptions, you needed to be more aggressive
[3] with the gavel?
[4] A: Well, I needed to be aware there
[5] would be more, there would be disruptions and
[6] that I should be prepared to be aggressive,
[7] would be the best word.
[8] Q: Was there any indication that there
[9] was going to be more security, police or
[10] anything?
[11] A: No, except for visually I could
[12] see. You know, there was nothing told. I was
[13] not told that.
[14] Q: Visually you could see what?
[15] A: There were more people there, were
[16] more people in the audience and up in the
[17] balcony than usual.
[18] Q: What about security, in terms of
[19] police, were you informed?
[20] A: I think there was uniformed police
[21] up in the balcony.
[22] Q: Is that normal at stated meetings?
[23] A: Not, not always, but it has happened
[24] at others. And you can imagine, after the
[25] councilman was shot there was extra security.

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[1] **B. Gotbaum**
[2] That was several years ago.
[3] Q: You don't remember whether you had
[4] any discussion with the Speaker prior to that
[5] meeting about what might happen at the May 30th
[6] meeting?
[7] A: You mean the spectator meeting
[8] before?
[9] Q: No, not the meeting before. Prior
[10] to the May 30th meeting.
[11] A: No, there was just a discussion in
[12] general about that there was some anticipated,
[13] more people coming, more crowds coming, there
[14] would be more disruptions basically.
[15] Q: And this was around the amendment of
[16] the Sonny Carson —
[17] A: Yes.
[18] Q: — proposed amendment?
[19] A: Yes.
[20] Q: As you remember today, how would you
[21] describe what happened that day once that issue
[22] came up, if you remember?
[23] A: What I do remember, what I really
[24] remember is that when council people, when the
[25] councilmen and women were working, there was a

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[1] **B. Gotbaum**
[2] lot of disruption from the gallery, which is
[3] very, very unusual, because there generally
[4] isn't any disruption from the gallery. It is
[5] always from the balcony. So that disruption I
[6] recall.

[7] **Q:** Can you be more specific? What do
[8] you recall in terms of the nature of the
[9] disruption?

[10] **A:** There was screaming and yelling.

[11] Screaming — no, I am sorry, excuse that.

[12] Yelling.

[13] **Q:** You are saying this was during the
[14] vote?

[15] **A:** After a councilperson would vote.

[16] There was some, there was some before, but I
[17] don't, you know, I don't remember. It was all
[18] around the discussion of the issue, let's put it
[19] that way.

[20] **Q:** And the yelling, was it coming from
[21] any particular —

[22] **A:** It was coming from the right, from
[23] my right, which would be the left side or the
[24] north side of the gallery.

[25] **Q:** And one person, two people?

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[1] **B. Gotbaum**
[2] (Telephonic interruption.)
[3] **MR. EICHENHOLTZ:** She is here.
[4] **MR. WAREHAM:** Do you want us to stop
[5] until you return?
[6] **MR. EICHENHOLTZ:** No, you can keep
[7] going.

[8] (At this point Mr. Eichenholtz left
[9] the deposition room.)

[10] **Q:** In your experience had that happened
[11] before, where there were disruptions from the
[12] gallery?

[13] **A:** No, I don't think so. Not a hundred
[14] percent, but I really don't think so. Well,
[15] except that one, the shooting, which was in the
[16] balcony, but there was a lot of disruption. But
[17] that's an exceptional case.

[18] **Q:** And when you asked for quiet and you
[19] gavelled, what was the response from the gallery,
[20] do you remember?

[21] **A:** Well, immediate some subsiding of
[22] the yelling. But then another person would vote
[23] or there would be something else and it would
[24] come back again. It didn't stop. In other
[25] words, it didn't stop.

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B. Gotbaum

[1] **A:** I don't know. It was very hard to
[2] tell.

[3] **Q:** And at any point in time, what was
[4] your response when there was yelling?

[5] **A:** "Quiet, please." Bang, bang, bang.

[6] "Quiet, please."

[7] **Q:** What effect did that have?

[8] **MR. MARKS:** When you are saying

[9] "bang, bang, bang," that means the
[10] gavel?

[11] **THE WITNESS:** I was hitting the
[12] gavel.

[13] **Q:** As opposed to shooting the
[14] disrupter.

[15] **A:** I withdraw that. Yes, gavelled and
[16] was saying, "Quiet, please." And as it
[17] escalated, I said it more and gavelled harder.

[18] **Q:** When you say "escalated," escalated
[19] from the balcony, from the gallery?

[20] **A:** They were both, but it was more the
[21] gallery, more the gallery. It was very unusual
[22] to have it from the gallery. But it was also in
[23] the balcony, too. But I recall the thing that
[24] most impressed me was the gallery.

B. Gotbaum

[1] **Q:** If I understand you correctly, you
[2] are saying the response from the gallery was,
[3] whatever came out of the gallery seemed to be in
[4] response to presentations by different Council
[5] people when they voted?

[6] **A:** Yes, I think so. I think so.

[7] **Q:** I am just asking.

[8] **A:** Yes. Hard to know, because you
[9] couldn't really see, you know.

[10] **Q:** In response to the yelling from the
[11] gallery, did you speak to those persons, person
[12] or persons, who you thought were making that
[13] response and ask them particularly to be quiet?

[14] **A:** Yes. I mean, I didn't point. I
[15] couldn't. You have to understand, it is quite
[16] far away and I couldn't really see. There were
[17] lots of people around. So I would ask, yes,
[18] "Quiet, please. Please be quiet."

[19] **Q:** Did you direct the sergeant at arms
[20] to go to any people in particular and ask them
[21] to be quiet?

[22] **A:** No. At one point, I think it was
[23] towards the end, "If you aren't quiet, I will
[24] have to have you removed."

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[1] **B. Gotbaum**
[2] Q: Do you remember whom you directed
[3] that towards?
[4] A: No. Well, I directed it towards
[5] whoever was making the noises, but I couldn't
[6] see who it was.
[7] Q: Was it the same people, or could you
[8] tell, or was it different people?
[9] A: In the gallery it seemed to be the
[10] same person, but I couldn't be 100 percent sure,
[11] but it seemed to be the same person, and I
[12] couldn't see who it was.
[13] Q: Did you at any point direct the
[14] sergeant at arms to actually go identify —
[15] A: No.
[16] Q: — who the person was?
[17] A: No.
[18] Q: And remove them?
[19] A: No.
[20] Q: Did you ever feel that meeting, the
[21] stated meeting, got out of control?
[22] A: No. It was noisy.
[23] Q: Did you ever feel a need to clear
[24] the chamber —
[25] A: No.

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[1] **B. Gotbaum**
[2] Q: — because of the disruption?
[3] A: No. You threaten to do it.
[4] Q: During that meeting did the Speaker
[5] ever send you any message around trying to bring
[6] order to the meeting?
[7] A: No.
[8] Q: Did the Council complete its agenda
[9] that day, do you remember?
[10] A: Yes.
[11] Q: So with all the noise and
[12] everything, the work of the Council got
[13] completed?
[14] A: Yes, as far as I know.
[15] (At this point Mr. Eichenholtz
[16] returned with Viola Plummer.)
[17] **MR. WAREHAM:** Off the record a
[18] second.
[19] (Discussion held off the record.)
[20] **MR. WAREHAM:** Back on the record.
[21] Q: So to your recollection the Council
[22] finished its agenda for May 30th?
[23] A: Yes, to my recollection.
[24] Q: Whatever the disruptions were did
[25] not prevent the work from being completed?

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[1] **B. Gotbaum**
[2] A: No, not at all.
[3] Q: And does the Council normally
[4] complete its agenda at stated meetings?
[5] A: Yes.
[6] Q: During your, it is five years now as
[7] Public Advocate, approximately, if you remember,
[8] how many meetings have you presided over that
[9] dealt with the co-naming or renaming of streets?
[10] A: I don't recall, I don't remember.
[11] Q: Without remembering the exact
[12] amount, in your experience had there ever been a
[13] situation where a name had been taken out of a
[14] package that had been submitted?
[15] A: I don't remember.
[16] Q: Did you preside over the following
[17] two stated meetings after the May 30th one?
[18] A: Yes.
[19] Q: June 13th and June 27th?
[20] A: Oh, not including July, yes.
[21] Q: And to your recollection were there
[22] any disruptions at those meetings?
[23] A: No.
[24] Q: Do you know Mrs. Plummer? Are you
[25] familiar with her?

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[1] **B. Gotbaum**
[2] A: No, we don't know each other.
[3] Q: She is a former chief of staff of
[4] Charles Barron.
[5] A: That I know.
[6] Q: According to her position, she is
[7] still chief of staff.
[8] At some point were you made aware
[9] that there were plans to discipline Viola
[10] Plummer for her remarks concerning —
[11] A: Only from the newspaper.
[12] Q: You read it in the newspaper?
[13] A: Yes, I read it in the newspaper.
[14] Q: Do you remember approximately when?
[15] A: No. Are you kidding?
[16] Q: Did the Speaker or anyone from her
[17] office approach you —
[18] A: No.
[19] Q: — about that?
[20] A: No.
[21] **MR. MARKS:** You should let him ask
[22] the question completely before you
[23] answer.
[24] Q: Did anyone from the Speaker's office
[25] approach you about Ms. Plummer's behavior during

Page 28

B. Gotbaum

[1] [2] the stated meeting of May 30th?
[3] A: No.
[4] Q: When did you become aware that a
[5] lawsuit was filed challenging the Speaker's
[6] right to suspend and discipline Ms. Plummer?
[7] A: I don't remember. In the newspaper,
[8] from the newspaper.
[9] Q: From the newspapers?
[10] A: Yes.
[11] Q: Same question, did anyone from the
[12] Speaker's office approach you about to
[13] participate in that lawsuit?
[14] A: No.
[15] Q: Did anyone speak to you about, once
[16] again, Ms. Plummer's behavior at the May 30th
[17] stated meeting?
[18] A: No.
[19] Q: As Public Advocate is it your
[20] understanding that you have the authority to
[21] suspend staff members of individual Council
[22] members?
[23] A: I don't have that authority, no.
[24] Q: Is it your understanding that the
[25] Speaker has that authority?

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B. Gotbaum

[1] [2] Q: Let me just take you back one
[3] second.
[4] A: Sure.
[5] Q: When you said prior to the May 30th
[6] meeting someone from the Speaker's office had
[7] contacted you that there might be disruptions —
[8] A: Yes.
[9] Q: — you said you just don't remember
[10] who it was. You don't remember the person's
[11] name, or you don't remember which person it was?
[12] A: Well, my office was called and I was
[13] asked to come over to the Speaker's office at
[14] some point before the meeting. And it wasn't
[15] directly before, it was some point before the
[16] meeting. And when I went to her office there
[17] were several people in there.
[18] Q: Okay.
[19] A: It probably was her chief of staff
[20] who may have said something, but I am not
[21] entirely sure, because there were at least three
[22] people, one of whom is the guru, I don't know
[23] what his title is, but he is the person who has
[24] all the procedural knowledge about what goes on
[25] in the Council, and it may have been him or it

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B. Gotbaum

[1] A: I don't know. Sorry.
[2] Q: Have you ever heard the term
[3] "inherent powers of the Speaker"?
[4] A: No. I mean I know what it means.
[5] Q: What is your understanding of what
[6] that means?
[7] A: It means the power that would be
[8] derived to the Speaker because she or he is the
[9] Speaker, without being stated, in other words.
[10] Q: What do you mean by "without being
[11] stated"?
[12] A: Without being stated, probably.
[13] Q: In the statutory?
[14] A: In the statutory, yes.
[15] Q: Is it your understanding that the
[16] inherent powers of the Speaker extends to his
[17] ability or her ability to discipline staff of
[18] individual Council members?
[19] A: I don't know.
[20] MR. WAREHAM: I am almost done. Can
[21] we take a five-minute break.
[22] MR. MARKS: Sure.
[23] (Recess taken at 12:15 p.m. until
[24] 12:20 p.m.)

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B. Gotbaum

[1] [2] may have been —
[3] Q: Mr. Meara?
[4] A: No, that's the chief of staff. Gary
[5] Altman is the person who is the procedural
[6] guru. It may have been Gary. I honestly don't
[7] remember.
[8] Q: He was at the meeting?
[9] A: No.
[10] Q: Do you remember them, Charles Meara,
[11] Gary Altman?
[12] A: Charles Meara, Gary, the Speaker. I
[13] don't remember.
[14] THE WITNESS: Were you there?
[15] MR. KASZUBA: No.
[16] A: It is sort of like routine.
[17] Q: It is just something you do?
[18] A: If you are called over, you go. It
[19] is collegial. We do it all the time. I mean,
[20] it happens all the time.
[21] MR. WAREHAM: I have no further
[22] questions.
[23] MR. MARKS: I have no questions for
[24] the witness.
[25] (Deposition concluded at 12:22 p.m.)

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[1]
[2]
[3] I, BETSY GOTBAUM, the witness herein, having
[4] read the foregoing testimony, do hereby certify
[5] it to be a true and correct transcript, subject
[6] to the corrections, if any, shown on the
[7] attached page.

[8]

[9]

[10]

[11] **BETSY GOTBAUM**

[12]

[13] Subscribed and sworn to
[14] before me this ____ day
[15] of _____ 2007.

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

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[1]
[2] CERTIFICATE
[3] STATE OF NEW YORK)
[4] :ss
[5] COUNTY OF NEW YORK)
[6] I, IRA J. GOLDBERG, a Certified
[7] Shorthand Reporter and Notary Public within and
[8] for the State of New York, do hereby certify:
[9] That BETSY GOTBAUM, the witness
[10] whose deposition is hereinbefore set forth, was
[11] duly sworn by me and that such deposition is a
[12] true record of the testimony given by such
[13] witness.
[14] I further certify that I am not
[15] related to any of the parties to this action by
[16] blood or marriage and that I am in no way
[17] interested in the outcome of this matter.
[18] In witness whereof, I have hereunto
[19] set my hand this 12th day of August 2007.
[20]
[21]
[22]

[23] IRA J. GOLDBERG



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Lawyer's Notes
